

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

DUANE MORRIS, LLP

By: Ryan A. Gower Atty. ID: RG4645

30 South 17th Street

Philadelphia, PA 19103

(215) 979-1586

Attorneys for Creditor: TD Bank, N.A.



Order Filed on July 31, 2023

by Clerk

U.S. Bankruptcy Court

District of New Jersey

In Re:

ROBERT ELLIOTT SHANLEY, III

Case No.: 18-26126-MBK

Judge: Hon. Michael B. Kaplan

Hearing Date(s): 7/19/2023

Chapter: 13

Recommended Local Form

☒ Followed

☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY  
AND/OR MOTION TO DISMISS  
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4), is **ORDERED**.

**DATED: July 31, 2023**

A handwritten signature of Michael B. Kaplan in black ink, written over a horizontal line.  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Applicant: TD Bank, N.A.  
Applicant's Counsel: Ryan A. Gower, Esquire  
Debtor's Counsel: Joseph Casello, Esquire  
Property Involved ("Collateral"): 198 Grand Avenue, Navesink, NJ 07752  
Relief sought: ☒ Motion for relief from the automatic stay  
☐ Motion to dismiss  
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 3 months, from 05/01/2023 to 07/01/2023.
- ☐ The Debtor is overdue for \_\_\_\_\_ payments at \$\_\_\_\_\_ per month.
- ☐ The Debtor is assessed for \_\_\_\_\_ late charges at \$\_\_\_\_\_ per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$\_\_\_\_\_ received after the motion was filed.

Total Arrearages Due \$ 6,559.69.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$ 2,000.00. Payment shall be made no later than 07/21/2023.
- ☒ Beginning on 08/01/2023, regular monthly mortgage payments shall continue to be made in the amount of \$ 2,938.04.
- ☒ Beginning on 09/30/2023, additional monthly cure payments shall be made in the amount of \$ 4,559.69 for 1 months.

☐ The amount of \$\_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$\_\_\_\_\_ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: TD Bank, N.A.  
Payment Processing, PO Box 16029  
Lewiston, ME 04243

☒ Regular monthly payment: TD Bank, N.A.  
Payment Processing, PO Box 16029  
Lewiston, ME 04243

☒ Monthly cure payment: TD Bank, N.A.  
Payment Processing, PO Box 16029  
Lewiston, ME 04243

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$ 310.00, and costs of \$ \_\_\_\_\_.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☒ to the Secured Creditor within 60 days.

☐ Attorneys' fees are not awarded.

In re:  
Robert Elliott Shanley, III  
Debtor

Case No. 18-26126-MBK  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3  
Date Rcvd: Aug 02, 2023

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 04, 2023:

Recip ID	Recipient Name and Address
db	+ Robert Elliott Shanley, III, PO Box 641, Navesink, NJ 07752-0641

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 04, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 2, 2023 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Albert Russo	on behalf of Trustee Albert Russo docs@russotrustee.com
Aleisha Candace Jennings	on behalf of Creditor U.S. Bank National Association ajennings@raslg.com
Denise E. Carlon	on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Harold N. Kaplan	on behalf of Creditor US Bank National Association hkaplan@rasnj.com kimwilson@raslg.com
J. Alex Kress	on behalf of Creditor ISE Farms Inc. akress@chapman.com

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Aug 02, 2023

Form ID: pdf903

Total Noticed: 1

J. Alex Kress

on behalf of Creditor ISE America Inc. akress@chapman.com

Joseph Casello

on behalf of Debtor Robert Elliott Shanley III jcasello@cvclaw.net, jcasello627@gmail.com

Joseph Gunnar Devine, Jr

on behalf of Creditor TD Bank N.A. jdevine@tmppllc.com, kcollins@schillerknapp.com;lgadomski@schillerknapp.com

Richard Gerbino

on behalf of Creditor TD Bank N.A. rgerbino@schillerknapp.com,  
lgadomski@ecf.courtdrive.com;lgadomski@schillerknapp.com

Richard James Tracy, III

on behalf of Creditor TD Bank N.A. richard.tracy.iii@gmail.com,  
tshariff@schillerknapp.com;kcollins@schillerknapp.com;ahight@schillerknapp.com

Ryan A. Gower

on behalf of Creditor TD Bank N.A. rgower@duanemorris.com, jalowe@duanemorris.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 13